

Appl. No. 10/603,371
Amdt. dated April 18, 2007
Responsive to Office Action dated October 18, 2006

Amendments to the Drawings:

Please cancel/delete the one original sheet which includes original Figures 2A and 2B.

The attached sheet replaces the original sheet including Figures 2A and 2B. In the amended Figure 2A, elements 21 and 23 have been slightly relocated consistent with Figure 3A. In the amended Figure 2B, one of two instances of reference number 86 has been corrected, since it was previously mislabeled 82.

Attachment: 1 Replacement Sheet of Drawings
1 Annotated Sheet Showing Changes From The Original.

REMARKS/ARGUMENTS

Claims 1-19 are pending in the application. Reconsideration and reexamination of the application are hereby respectfully requested.

In the Specification:

The title is objected to because the Examiner finds the original title insufficiently descriptive. An amended title is submitted.

The specification is objected to because "beatpiece" is misspelled in one place. Paragraph 33 is amended herein to correct that typo.

In the Claims:

Claims 1-19 stand objected to because various limitation in the claims "lack antecedent basis in the specification." The undersigned is not aware of any MPEP requirement that limitations in the claims must be named precisely or even substantially as exemplary components and/or assemblies are named in the Specification. Nor does the Examiner cite any such requirement in the objection on page 4 of the Action. The undersigned believes it is common practice to use alternative and sometimes functional terminology to describe and/or name the limitations in the claims. Furthermore, the Applicant asserts that, in light of the Specification and Drawings, the chosen claim limitations would be readily understood by persons of ordinary skill in the art.

Claim 1 stands rejected under 35 USC §112 as indefinite and unclear due to a particular portion of claim 1. Claim 1 is amended to insert the word "then" so that the relevant portion of Claim 1 now reads "a mode change element selectively engageable, by movement along the intermediate shaft, such that when the mode change element is engaged with the drive teeth and the driven teeth then rotary drive is transmitted from the intermediate shaft to the wobble sleeve" As amended it is clear

that “the drive teeth” and “the driven teeth” both have antecedent basis in the claim and it answers the Examiner’s question about what occurs when the condition is met.

Claims 1-8 and 10-19 stand rejected under 35 USC 102(b) as anticipated by US 6,035,945 to Ichijyou. Independent claim 1 is amended herein to require:

the mode change element including an engagement surface; and a mode change actuator including a cooperating engagement surface, and the mode change actuator is user selectable between a first position wherein the mode change element is engaged with both the drive teeth and the driven teeth and a second position wherein the mode change element is not engaged with the drive teeth, and when in the second position the cooperating engagement surface of the mode change actuator engages the engagement surface of the mode change element to prevent friction induced rotation of the wobble drive arrangement.

Although it does describe a mechanism for preventing idle rotation of the spindle 19, Ichijyou ‘945 provides no mechanism for preventing friction induced rotation of the wobble drive 4. See the discussion of rotation restricting member 9 beginning at Ichijyou ‘945 col. 4 line 59.

Thus, the Applicant submits that Amended independent claim 1 is not anticipated by or obvious in view of Ichijyou ‘945.

Claim 17 is cancelled. All remaining claims depend from amended claim 1.

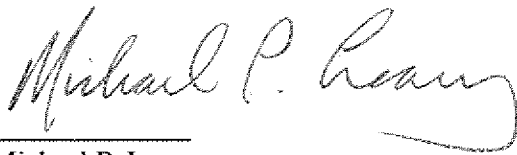
The Examiner has indicated that Claims 9 contains allowable subject matter. The Applicant thanks the Examiner for the indication of allowable subject matter, but has, for now, chosen to amend independent claim 1 by incorporation of limitations from original claim 17.

In the Drawings:

The Drawings are object to because the Examiner says reference number 26 is not shown in the drawings. The Applicant respectfully points out that trunnion pin 26 is shown and numbered in Figure 1 on the top (or right hand side) of the drawing.

The Drawings are objected to because the Examiner says change knob 21 is not consistently illustrated in Figures 1, 2A, and 3A. The Examiner says that Fig. 1 shows the knob as cooperating with the wobble pin. The Applicant respectfully points out that Figure 1 does not show the change knob 21 or pin 23 at all. Perhaps the Examiner has mistaken the trunnion arrangement 26 for knob 21? An amended Figure 2A is submitted in order to very slightly adjust the position of change knob 21 so as to more closely agree with the location of the same element in Figure 3A. The Applicant asserts that the changes to the Figures 2A and 2B are consistent with the other original drawings and introduce no new matter.

Respectfully submitted



Michael P. Leary
Registration No. 41,144
Attorney for Applicant(s)
April 18, 2007

Michael Leary - TW199
The Black & Decker Corporation
701 East Joppa Road
Towson, Maryland 21286
Telephone: (410) 716-2773